

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 ERIN WARE,

4 Plaintiff

Case No. 3:20-cv-00102-MMD-CLB

**ORDER**

5 v.

6 SMITH, *et al.*,

7 Defendants  
8

9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections  
11 (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1).  
12 Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed  
13 *in forma pauperis* on this Court’s approved form.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an  
15 application to proceed *in forma pauperis* and attach both an inmate account statement  
16 for the past six months and a properly executed financial certificate. Plaintiff has  
17 submitted a properly executed financial certificate and inmate account statement for the  
18 past six months, however, Plaintiff has not submitted a complete application to proceed  
19 *in forma pauperis* on this Court’s approved form. Plaintiff will be granted an opportunity  
20 to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing  
21 fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis*,  
22 he must file a fully complete application to proceed *in forma pauperis* on this Court’s  
23 approved form. The Court will retain Plaintiff’s civil rights complaint (ECF No. 1-1), but  
24 will not file it until the matter of the payment of the filing fee is resolved.

25 **II. CONCLUSION**

26 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND  
27 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well  
28 as the document entitled information and instructions for filing an *in forma pauperis*


1 application.

2 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
3 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on  
4 the correct form in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for  
5 filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

6 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
7 dismissal of this action may result.

8 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
9 (ECF No. 1-1) but will not file it at this time.

10 DATED: February 19, 2020.

11   
12 UNITED STATES MAGISTRATE JUDGE  
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